

# EXHIBIT C

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STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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RICHARD KADREY, ET AL., )

Individual and Representative )

Plaintiffs, ) Lead Case No.

v. ) 3:23-cv-03417-VC

META PLATFORMS, INC., )

Defendant. )

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\* \* \* HIGHLY CONFIDENTIAL \* \* \*

\* \* \* ATTORNEYS' EYES ONLY \* \* \*

VIDEO-RECORDED 30(b)(6) DEPOSITION OF

MICHAEL CLARK (torrenting)

MONDAY, MARCH 3, 2025

DENVER, COLORADO

10:20 A.M. MST

REPORTED BY KATHY L. DAVIS, CRR, RMR

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1 Document 30, was this document -- can you10:22:15  
2 tell me what this document is? 10:22:24  
3 A This document is the VPC or the virtual 10:22:30  
4 private computer configuration of the system that 10:22:36  
5 David Esiobu set up for Xiaolan to use. 10:22:41  
6 Q To use for what? 10:22:55  
7 A To use for downloading a portion of 10:22:56  
8 Anna's Archive. 10:23:00  
9 Q And Xiaolan is Xiaolan Wang? 10:23:04  
10 A That is correct. 10:23:07  
11 Q And when you say downloading a portion of10:23:07  
12 Anna's Archive, do you mean torrenting? 10:23:11  
13 A Yes, I do mean torrenting. 10:23:13  
14 Q And by VPC, what do you mean by that? 10:23:15  
15 A Virtual private computer. 10:23:18  
16 MS. POUEYMIROU: Was this produced in 10:23:19  
17 this case? 10:23:21  
18 MR. WEINSTEIN: I'll represent it was, 10:23:23  
19 and it was attached to Barb Frederiksen's report and 10:23:24  
20 extensively discussed therein. 10:23:27  
21 MS. POUEYMIROU: Okay. 10:23:29  
22 MR. WEINSTEIN: It was on the source code10:23:29  
23 computer that was made available during discovery. 10:23:30  
24 The path name for it is actually in Ms. Frederiksen's10:23:33  
25 report. 10:23:35

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1 Q So, yes.

2 A Okay.

3 Q So, yes.

4 A Okay.

5 Q So I asked you, How much data -- sorry,  
6 Line 14, How much data did Meta share, right?

7 A (Deponent nodded.)

8 Q And what did you -- what did you say  
9 there?

10 A My answer was, "He did not have any  
11 details, so I do not know."

12 Q And then I asked you, "How would we find  
13 that out?" And Ms. Hartnett objected as beyond the  
14 scope; is that correct?

15 A That is what I see in the test- -- in the  
16 document.

17 Q Okay.

18 VIDEOGRAPHER: Excuse me. You're  
19 covering up your microphone.

20 MS. POUEYMIROU: Oh, sorry.

21 Q (BY MS. POUEYMIROU) Did you speak to  
22 Mr. Bashlykov in preparation for today?

23 A I did speak to Mr. Bashlykov in  
24 preparation for testimony today.

25 Q Okay. And so with respect to your

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1 testimony that during the time period Meta was  
2 downloading files it was uploading or sharing the  
3 data, did you follow up with Mr. Bashlykov on whether  
4 there was any evidence to show how much was uploaded  
5 during that time period?

6 MR. WEINSTEIN: Object to form. I would  
7 object, outside the scope. I think you -- you seem  
8 to be asking about leeching and not seeding.

9 MS. POUEYMIROU: I'm asking about  
10 Mr. Clark's testimony on torrenting here.

11 MR. WEINSTEIN: Sure, but . . .

12 MS. POUEYMIROU: There's no word of  
13 leeching in any of this.

14 MR. WEINSTEIN: I -- I disagree. I think  
15 what you're getting at, you're trying to back door a  
16 discussion of leeching, which I think we've -- as  
17 we've explained, we think is outside the scope of the  
18 topic. So I'm just going to put a scope objection on  
19 the record. I think this is outside the scope.

20 The witness is -- he's here to testify  
21 and he's prepared to testify about torrenting, the  
22 facts relating to Meta's torrenting of it, and he's  
23 testified that he's prepared to testify about seeding  
24 specifically. But as we've made clear, this other  
25 topic of leeching is outside the scope of the

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1 preparation and the topic.

2 Q (BY MS. POUEYMIROU) Mr. Clark, is  
3 leeching outside the scope of a topic that is on  
4 torrenting?

5 MR. WEINSTEIN: Object --

6 Q (BY MS. POUEYMIROU) Leeching -- does  
7 torrenting involve leeching?

8 MR. WEINSTEIN: Object to form, outside  
9 the scope.

10 A Sorry. Can you ask that question again.

11 Q (BY MS. POUEYMIROU) Sure.

12 A I got . . .

13 Q We've just reviewed testimony --

14 A Mm-hmm.

15 Q -- your testimony given under oath --

16 A Yes.

17 Q -- that you spoke to Mr. Bashlykov and  
18 that during the time period in which Meta was  
19 downloading data, that was the only time period in  
20 which data was being shared, but Meta took efforts to  
21 minimize that.

22 A (Deponent nodded.)

23 Q Is that correct?

24 MR. WEINSTEIN: Object to form.

25 A That -- in the testimony that you're

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1 having me read, that is correct.

2 Q (BY MS. POUEYMIROU) That is correct.

3 What I am asking you is whether this testimony that  
4 we have just reviewed -- was this testimony about  
5 torrenting?

6 MR. WEINSTEIN: Object to form.

7 A This testimony was around the facts of  
8 the torrenting that had occurred, yeah.

9 Q (BY MS. POUEYMIROU) Okay. Thank you.  
10 And so my question here was, How much data did Meta  
11 share --

12 MR. WEINSTEIN: Object to form. Outside  
13 the scope.

14 Q (BY MS. POUEYMIROU) -- when  
15 torrenting --

16 MR. WEINSTEIN: Sorry. Go ahead.

17 MS. POUEYMIROU: It's okay.

18 Q (BY MS. POUEYMIROU) How much data did  
19 Meta share while it was torrenting LibGen?

20 MR. WEINSTEIN: Object to form. Outside  
21 the scope.

22 Q (BY MS. POUEYMIROU) And you said you  
23 didn't have any details. My question for you today  
24 is, do you now have details about how much data was  
25 shared while Meta was torrenting?

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1 MR. WEINSTEIN: So just to be clear,  
2 your -- your question includes both seeding and  
3 leeching, correct?

4 MS. POUEYMIROU: My question is about  
5 torrenting.

6 MR. WEINSTEIN: Well, as you know,  
7 there's seeding and there's leeching. Your question  
8 is encompassing -- presumably encompassing both. So  
9 I would object. Outside the scope.

10 THE DEPONENT: Do you mind repeating back  
11 the question or . . .

12 THE REPORTER: Is that fine?

13 MS. POUEYMIROU: Sure.

14 (The following question was read back:  
15 "And you said you didn't have any  
16 details. My question for you today is,  
17 do you now have details about how much  
18 data was shared while Meta was  
19 torrenting?")

20 A In preparation for today and going  
21 through the facts, reviewing the Python scripts, the  
22 configuration for the environment, and in both the  
23 conversations and the documents I reviewed, it is my  
24 understanding that it is very unlikely that any data  
25 was shared or that any data was seeded as part of



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1     torrenting that was occurring.

2             Q           (BY MS. POUEYMIROU)   And is that an  
3     opinion about how much data was seeded?

4                       MR. WEINSTEIN:   Object to form.

5             A           In -- in preparation I focused on  
6     seeding, and -- and, yes.   Like, the answer to that  
7     question is yes.

8             Q           (BY MS. POUEYMIROU)   So your testimony is  
9     that it is very unlikely any data was seeded by Meta?

10            A           That is correct.

11            Q           And my question is about whether --  
12     during the process of torrenting, whether you were  
13     able to confirm if any data was shared during that  
14     time frame.

15                       MR. WEINSTEIN:   Object to form.   Again,  
16     outside the scope.   And I'd just note that we did  
17     have a meet and confer on Friday on this, and we did  
18     inform your side that we were putting the witness up  
19     on seeding and not leeching.

20                       MS. POUEYMIROU:   Mr. Weinstein, is this  
21     deposition about torrenting?

22                       MR. WEINSTEIN:   As I have said before --

23                       MS. HARTNETT:   May I answer?   I  
24     apologize.   This is Ms. Hartnett.   I was on the meet  
25     and confer Friday, which is why I'm here.   We've made

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1 clear our position that the parties had been using  
2 the word "torrenting" in our view to refer to  
3 downloading. That's why we had a dispute about  
4 whether or not seeding was within torrenting. We  
5 disagreed. We took that to the Court. No one ever  
6 mentioned leeching in that dispute. We are here  
7 because the Court ordered a deposition about  
8 torrenting, i.e., downloading, and seeding.

9 As of Wednesday of last week, plaintiffs  
10 have added an expert in the case to talk about  
11 leeching. We object to that report. We object to  
12 that being part of this topic. Mr. Clark is not  
13 prepared on that topic today, and he will not be able  
14 to answer questions in his corporate capacity about  
15 leeching.

16 If you ask him in terms of leeching or if  
17 you ask him in terms of other language and avoid the  
18 use of leeching, he's not prepared on that topic.  
19 That's our position and we will take it to the Court.

20 MS. POUEYMIROU: But in your -- just to  
21 be clear, he testified extensively about sharing data  
22 while downloading during torrenting. Are you saying  
23 that all of this testimony is false?

24 MS. HARTNETT: No, I'm not. He was there  
25 to testify about torrenting, which we understood to

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1 be and which the parties used to mean downloading  
2 data via torrent. That was what he was prepared on  
3 the last time. I objected on the record because I  
4 believed that seeding was at the edge of to outside  
5 the scope of that topic. No one even mentioned  
6 leeching during that deposition. So that was  
7 certainly off the table from our perspective.

8 Q (BY MS. POUEYMIROU) So let's turn to  
9 page 350 in Volume III of your deposition to look at  
10 how you defined seeding.

11 MS. HARTNETT: And again, just for the  
12 record, Mr. Clark was not prepared on seeding for  
13 that deposition, which is why we had the dispute that  
14 we had. So to the extent you're suggesting he gave  
15 inappropriate or false testimony, we just reject --

16 MS. POUEYMIROU: I'm not -- I'm not  
17 suggesting that.

18 MS. HARTNETT: Okay. I'm happy to hear  
19 that for the record. Because Mr. Clark testified  
20 truthfully at the deposition. He was not prepared on  
21 seeding, which is why --

22 MS. POUEYMIROU: Right.

23 MS. HARTNETT: -- we have this deposition  
24 today.

25 MS. POUEYMIROU: But we -- the testimony

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1 he gave about how torrenting works --

2 MS. HARTNETT: He also was not prepared  
3 on leeching because this was a concept that no one  
4 had introduced into this case until last week.

5 MS. POUEYMIROU: I'm asking for  
6 verification whether you're recanting any of this  
7 testimony here. I'm merely looking at points that  
8 he's raised in the previous deposition, which he gave  
9 under oath. All I'm doing is following up on a  
10 discussion about torrenting in that deposition.

11 MS. HARTNETT: I'm -- you can state the  
12 record of what you are doing. What we see you doing  
13 is trying to ask him questions about leeching and --

14 MS. POUEYMIROU: Are you telling him to  
15 not answer the questions?

16 MS. HARTNETT: Of course we're not.

17 MS. POUEYMIROU: Okay.

18 MS. HARTNETT: He can answer the  
19 question. But he was not asked about leeching. He  
20 was talking about downloading. He was maybe asked on  
21 the margins. To the extent you're now saying he  
22 should have been prepared on leeching, a topic you  
23 didn't even introduce in that deposition we --

24 MS. POUEYMIROU: And --

25 MS. HARTNETT: -- object to that.

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1 Q (BY MS. POUEYMIROU) -- or after a  
2 torrent file has been fully downloaded?

3 A Just to reiterate what I had already  
4 said, that things that I have already downloaded, I  
5 am sharing, is seeding.

6 Q Okay. And so when you talk about the  
7 process of sharing data while downloading or  
8 torrenting that data, that's not -- you're drawing a  
9 distinction between that and the seeding time period?

10 MR. WEINSTEIN: Object to form.

11 A The community expectation, as I -- just  
12 to reiterate -- is that things that I have already  
13 downloaded I would share while I continue to download  
14 on that network or participate on that network.

15 Q (BY MS. POUEYMIROU) Okay. Is leeching a  
16 part of torrenting?

17 MR. WEINSTEIN: Object to form, outside  
18 the scope.

19 A I didn't prepare on leeching as part of  
20 my 30(b)(6) testimony. In my own personal  
21 understanding of leeching, leeching in the community  
22 of torrenting means I am downloading content but not  
23 contributing back to sharing of content.

24 Q (BY MS. POUEYMIROU) Okay. When you were  
25 preparing for today what kinds of documents did you